

REMARKS

The interview with examiner Scott Smith on April 3, 2007 is acknowledged with appreciation. The examiner's interview summary is accurate as to what transpired at the interview.

Claims 10-11 and 20-21 stand rejected as indefinite. Claims 10 and 20 have been amended to change "displace" to "displaced" as suggested in the office action. Accordingly, reconsideration of the rejection is, respectfully, requested.

Claims 3-5, 9-11, 14 and 19-21 were indicated as allowable if amended to overcome the above-noted rejection under 35 U.S.C. 112 and if the claims were amended to be in independent form. Claims 3, 9, 10, 14 and 20 have been placed in independent form. Accordingly, claims 3-5, 9-11, 14 and 19-21 appear to be in allowable form.

Claims 1-2, 6-8, 12-13, 15-18 and 22-26 are rejected as anticipated by Vaughn (U.S. Patent No. 3,321,043). Claim 1 is directed to a lubrication system comprising a passage extending from an outboard portion of the hammer to an inboard portion of the hammer and located in the hammer so that hammer movement causes lubricant from the outboard portion to move toward the inboard portion. As discussed at the interview, Vaughn does not disclose such a passage. Claim 6 similarly requires a passage positioned for directing lubricant from the outboard portion to the inboard portion. Claim 13 is directed to a method for lubricating a tool including providing a passage located to circulate radially outwardly directed lubricant in a radially inward direction. Claim 16 is directed to a lubrication system comprising a passage positioned with respect to the frame and hammer so that lubricant from the outboard portion is directed to the inboard portion. And claim 23 requires means for directing lubricant in the housing from a position generally outboard of the momentum means to a position generally proximate the hammering means. Vaughn does not disclose a passage as recited in independent claims 1, 6, 16 and 23, nor does Vaughn provide the above noted step as provided in independent claim 13. Reconsideration of the rejection of claims 1-2, 6-8, 12-13, 15-18 and 22-26 is, respectfully, requested.

Claims 1-2, 6-8, 12-13, 15-18 and 22-26 are rejected as obvious over Vaughn in view of Schoeps (U.S. Patent No. 5,645,130). The office action urges that it would have been obvious to Vaughn's hammer with a passage like passage 54 in Schoeps. As discussed at the interview, Schoeps passage 54 moves fluid outwardly (see col. 3, lines 43-45) and thus teaches away from

the inward flow passage of applicant's invention. Further, there is nothing in Schoeps or Vaughn that would teach or suggest providing a passage in the hammer as required by applicant's claims. Reconsideration of the rejection of claims 1-2, 6-8, 12-13, 15-18 and 22-26 is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that the fees for additional claims be charged and, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (31841-98951).

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in cursive script, reading "Richard B. Lazarus".

Richard B. Lazarus

Reg. No. 48,215

Tel. No. (202) 371-6348